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09/606,897	06/29/2000	Shu Lin	RCA 89, 817	7641

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/606,897

Applicant(s)

LIN ET AL.

Examiner

Aristotelis M Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5,8-11,15 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

Applicants' response of 10/23/03 has been considered with the following results.

The <sup>response</sup> examiner has introduced amendments, including reference to claim 12. The examiner has decided that this communication is fully responsive. Nevertheless, because claim 12 has been cancelled by the amendment of 1/14/02 it cannot be listed as such. Hence this amendment (to claim 12) has NOT BEEN ENTERED. Applicants are REQUIRED to submit a new claim (numbered accordingly) and any reference to canceled claim 12 must be appropriately amended to refer to this new claim.

### *Drawings*

In order to avoid abandonment, the drawing informalities noted in Paper No. 6, mailed on 9/20/01, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

**Applicants cannot defer correction of the drawings. Failure to correct, or submit corrections will result in abandonment of the application – see letter from the draftsman attached to paper #6.**

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is noted that applicants' have canceled claim 12, see the note above, and because claim 20 depends from the canceled claim, claim 20 does not further define any invention. No art has been applied to claim 20.

3. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that the claims fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in Paper No. 17 filed 4/3/03. In

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that paper, applicant has stated on pages 4 and 5, and these statements indicates that the invention is different from what is defined in the claim(s) because

a) No video limitation is found in the claim.

AS FAR AS THE CLAIMS RECITE POSITIVE SUBJECT MATTER, the following art rejections are made.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 8 and 11, 15 and 18 are rejected under 35 U.S.C. 103(a) as being obvious over Tania et al further considered either Noguchi et al or Abecassis ('934).

With respect to method claim 1 the following analysis is made.

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The examiner relies upon Tania et al for disclosing a DVD system having as part and parcel thereof, the appropriate— data management areas, including PGCI (program chain information), as well as jump commands and the ability to select/modify the playback accordingly – see col. 34 lines 30 plus for instance, col. 35 lines 30-57 with respect to figures 64 and 65.

Although Tania et al provides for a user to select/create his program chain, there is no clear depiction of “deleting”.

The ability to edit information/delete for example is found in either Noguchi et al or Abecassis.

The independent claim includes a second limitation of modifying a jump command in a forward direction. The ability of having the control signal able to cause a jump in a forward direction is considered a logical extension of the fwd playback abilities available in DVD systems/and as found in Tania et al.

Noguchi et al disclose a digital recording/reproducing system and method wherein a cell is divided into sub-cells/units as noted in figure 3 and its disclosure. The division occurs as a result of the appropriate command from the user and includes the ability to erase – which the examiner interprets as meeting the deletion limitation as recited in the claim.

Also, Noguchi et al discloses with respect to his figure 9 the ability of recording the contents of his memory in the management data region of his disc after performing the cell erasure routine. Hence the examiner concludes that Noguchi et al also provides for the reordering, changing of the address information as required. Additionally, Noguchi et al discloses with respect to figure 6, starting at col. 5 line 42 the interruption/editing ability and this permits the renumbering of the start address point accordingly.

Furthermore, as noted in the description of this system, the interruption point (t s, u) permits the sectioning into two cells (as claimed), this being the two units Ts,1 and Ts,2.

The method further requires that the first cell (after division) has an end address at the beginning point (the beginning of the interruption). This is inherently present in the above document – note that the starting time of this unit (T s,1) and the playing time for this unit is provided for – hence the ability that this first cell (unit) has its end address at the beginning point follows.

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The claim also requires that the second cell (after division) – which corresponds to the (T s, 2) of Noguchi et al, has a starting address at the end point (end point being the end point of the interruption). This is what (T s, 2) is.

The claim continues to require that the jump command (a first) be modified in a control data portion of the disc and cases the playback to continue at the end point (end point of the interruption) in a forward direction.

Such is considered obvious in view of the above Noguchi et al noted system. Since Noguchi et al provides for the ability to edit/delete information and subsequently play such back. The jump command in a forward mode of reproduction continues at the end point, the end point being the interruption point. This is present as further detailed in Noguchi et al as noted in col. 7 line 6 to col. 8 line 22. The examiner interprets the modified jump to be the reproduction of the information after the editing/erasing has been done.

With respect to Abecassis et al –

a) note figures 3A- B and the accompanying disclosure.

In Abecassis the edited element is identified as 3ii. Hence the scene is divided into two cells, that portion noted as 3i as the first cell, and that portion including segments 3iii – 3iv. When the 3ii component is eliminated/erased/edited out, the first cell had as its end address the beginning point (the beginning of 3ii), while the second cell has as starting address (6027) at the end point of 3ii.

Again the examiner relies upon Tania et al for disclosing a DVD system with the appropriate data management ability, jump command etc.

It would have been obvious to modify the base system of Tania et al with the above teaching from Abecassis since as disclosed applicants have disclosed the deletion and trick modes to be equivalent abilities.

### ***Response to Arguments***

7. Applicants' arguments filed 10/23/03 have been fully considered but they are not persuasive.

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Applicants' arguments against Taira et al for what it lacks is not in dispute. The examiner acknowledges' such a shortcoming in Taira et al.

With respect to the argument that Noguchi's failure to mention or contemplate the specificity as claimed, such an argument is not clear, because the examiner has detailed why the Noguchi document does provide for the cell division and the reordering – see the analysis as recited in the previous OA and <sup>above and</sup> hence does meet the claim language.

Since there is NO ARGUMENT PRESENTED AGAINST ABECCASSIS, the examiner concludes applicants' acceptance of this rejection.

8. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 8 and 18 above, and further in view of Uno et al.

Uno et al (relying upon PCT JP99/00208 as its filing date) teaches the ability of having an inhibit flag appropriately provided for the inherent use – see the abstract.

It would have been obvious to one of ordinary skill in the art to modify the system of the prior art as relied upon with respect to claims 8/18 with the teaching from Uno et al, motivation is to provide for the appropriate flag control ability for the inherent use as recognized in Uno et al.

#### ***Response to Arguments***

9. Applicants' arguments filed 10/23/03 have been fully considered but are not considered persuasive to overcome the above rejection.

The claimed limitations do not define over the teaching from Uno et al.

10. Claims 23,24 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 11 above, and further in view of either Hasegawa et al or WO 97/06531.

Claims 23 and 24 are both concerned with the same limitation(s) (method/means) and hence the examiner will only discuss the limitation(s) of claim 23.

The ability of a reverse playback, a jump to provide a reverse direction is taught by the documents/systems in either Hasegawa et al or WO 97/06531.

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The ability of further modify the above jump so as to have a bi-directional jump ability is considered a desired ability and obvious with the above teaching. Such bi-directional jumping provides for a true random editing ability – i.e., an editing not limited to a forward direction only, and hence increases the flexibility of the overall playback system.

With respect to the limitations of claim 5, which now recite the ability of changing the start point accordingly – to the end point. The examiner concludes that such is present in the above combination of references as taught by either the Noguchi et al or Abecassis system – the renumbering of the start/edit point accordingly. Hence this limitation is met by the above combination of references.

***Response to Arguments***

11. Applicants' arguments filed 10/23/03 have been fully considered but are not considered persuasive to overcome the above rejection.

Hasegawa et al (or WO 97/06531) does teach reverse playback ability during playback – as acknowledged by applicants. The examiner concludes that the "modifying a second jump command in a control portion" of the disc which causes the playback to continue at the beginning point when reading in a reverse direction most certainly occurs, else there could be no playback in these references.

No argument is presented with respect to claim 5.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the above art as applied to claim 23 above, and further in view of either Greenwood et al or Tholen et al.

The ability of creating edit tables/ or erased tables is considered to be either taught by the Greenwood et al reference – see his description of edit tables.

Alternatively, Tholen et al also teaches the ability of creation of ""skip" tables and their inherent use.

It would have been obvious to one of ordinary skill in the art to modify the system of the above art as relied upon with respect to claim 2/12 with the teaching from either Greenwood et al or Official notice, motivation is to provide some inventory indication to the user of his records.



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Although it is noted that the limitations of claim 20 also call for the above, because the examiner cannot properly ascertain the dependency of claim 20, no art rejection is presented. If claim 20 depends upon claim 24 and claim 24 depends upon claim 11, then the above analysis is repeated.

12. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tania et al considered with either Noguchi et al or Abecassis, and all further considered with either Hasegawa et al or WO 97/06531.

Claims 21 and 22 contain the limitations of claims 1 and 11 and dependent claims 23 & 24.

The references are relied upon for the reasons stated above in paragraph 6.

The additional backward jump, required in claims 21 and 22 is also found in the limitation(s) of claims 23 and 24, and either Hasegawa et al or WO 97/06531 are so relied upon for the backward directional ability, hence the ability to provide for a backward jump in order to increase the flexibility of the player.

It would have been obvious to modify the references of Tania et al and either Noguchi et al/Abecassis with the above teaching from either Hasegawa et al or WO 97/06531 for the ability to provide both a fwd (forward direction) and a rvd (reverse direction) ability and hence increase the flexibility of the system to go both forward and backward.

#### ***Response to Arguments***

13. Applicant's arguments filed 10/23/03 have been fully considered but they are not persuasive.

See the above response to arguments with respect to claims 1,8,11 and 15 as well as the response with respect to the backward playback ability.

#### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Hard copies of the application files are now separated from this examining corps; hence the examiner can answer no questions that require a review of the file without sufficient lead-time.**

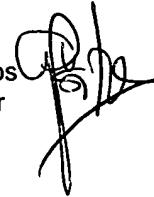
Any inquiries concerning missing papers/references, etc. must be directed to Group 2600 Customer Services at (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos  
Primary Examiner  
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